



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
**JACKSONVILLE DISTRICT CORPS OF ENGINEERS**  
**MIAMI REGULATORY OFFICE**  
9900 SOUTHWEST 107<sup>th</sup> Ave, SUITE 203  
MIAMI, FLORIDA 33176

June 29, 2009

Regulatory Division  
South Permits Branch  
South Permits Section

***PUBLIC NOTICE***

**Permit Application No. 2009-0598 (IP-GGM)**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) and Section 404 of the Clean Water Act (33 U.S.C. §1344), as described below.

APPLICANT: Constantino Quiros & Magdalena Cabezas  
P.O. Box 66-0002  
Miami Springs, FL 33266

WATERWAY & LOCATION: The project is located at 48 Tarpon Avenue, legally described as Lots 29 & 30 of Riviera Village Subdivision, Block 02, in Section 01, Township 61 South, Range 39 East, Key Largo, Monroe County, Florida, MM± 105.1 (RE #s 00510450-000000 & 00510460-000000).

DIRECTIONS TO SITE: US1 South to mile marker 105.1, turn right at Tarpon Avenue, project site will be on the right hand side of the road. Enter Lot #30 through the trail on electric pole #4 from property #60

LATITUDE AND LONGITUDE: Latitude 25.1571 North  
Longitude 80.39022 West

PROJECT PURPOSE:

Basic: The basic project purpose is to construct a single family residence.

Overall: The overall purpose of this project is to construct a single family residence with its associated infrastructure in the upper Keys, Florida.

PROPOSED WORK: The proposed project is to place 213 cubic yards of fill material in waters of the U.S. for the construction of a single family residence. The applicant also proposes to build a low 109- feet long retaining wall, as depicted on the attached drawings pages 1-3, in/over waters of the U.S.

Avoidance and Minimization Information: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: The applicant has proposed to construct a retaining wall 25 feet from the delineated landward edge of the existing mangrove forest so as not to impact an undisturbed wetland.

Compensatory Mitigation: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: Proposed mitigation included the planting and transplanting of native plants within the preserved transitional wetland area.

Compensatory Mitigation: If it is determined that the issuance of a DA permit is appropriate, mitigation may be required. Evaluation of the final wetland mitigation proposal may include the Keys Mitigation Index Guidelines (KeyMIG). Time lag and risk will be a required component of any mitigation requirement.

Secondary impacts will be included in any mitigation assessment. These impacts may include the severing of any connection to upstream areas thereby isolating them. Design criteria must demonstrate culverts, swales, ditches, etc. which maintain hydrologic connections or the Permittee will mitigate for all upstream impacts on their own and adjacent properties.

ENDANGERED SPECIES: The U.S. Army Corps of Engineers (Corps) has determined the project may not affect the West Indian manatee (*Trichechus manatus*) or its designated critical habitat. The Corps has received Fish and Wildlife Service's concurrence with

this determination from the Manatee Key dated October 2008, pursuant to Section 7 of the Endangered Species Act, no further consultation with the Service is required. In addition, the Corps has determined that the proposed work may affect not likely to adversely affect the Key Largo Wood Rat (*Neotoma floridana smalli*), the Key Largo cotton mouse (*Peromyscus gossypinus allapaticola*), and Eastern indigo snake (*Drymarchon corais couperi*). The real estate parcel numbers 00510450-000000 & 00510460-000000 are **not** on the U.S. Fish and Wildlife Service Suitable Habitat List for Monroe County.

ESSENTIAL FISH HABITAT: This notice initiates consultation on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately **5,398**-square feet of mangrove vegetation utilized by various life stages of juvenile fish. Our initial determination is that the proposed action may not have a substantial adverse impact on EFH or Federally managed fisheries in the Florida Keys. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

HISTORIC/ARCHAEOLOGICAL RESOURCES: Project site information will also be forwarded to the State Historical Preservation Office to be reviewed for the presence of any resources listed, or eligible for listing in the *National Register of Historic Places*.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

AUTHORIZATIONS FROM OTHER AGENCIES: Water Quality Certification is required from the Florida Department of Environmental Protection and/or one of the state Water Management Districts.

Comments regarding this application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice. Although the public notice comment period ends in 30 days, the Corps permit decision may not be made for several weeks after that date as a result of necessary coordination regarding endangered species and/or essential fish habitat as well as heavy permit evaluation workload.

If you have any questions concerning this application, you may contact Gletys Guardia-Montoya at the letterhead address, by electronic mail at Gletys.Guardia-Montoya@ usace.army.mil, by fax at 305-526-7184, or by telephone at 305-526-2515.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with US Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

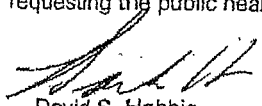
**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible for inclusion therein, are located at the site of the proposed work. Presently, unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
David S. Hobbie  
Regulatory Division

18.24

LANDWARD EDGE  
OF MANGROVES  
AS PER FIELD DETERMINATION

SECTION 401-100

UNDISTURBED

Existing  
Shoreline  
A.M.H.W.L. -

## RETAINING WALL

~~25' SETBACK FROM MANGROVES~~

— BUILDING LINE 450' —

**DISTURBED**

10'X25'  
SWALE  
x2.4'

1000

SWALI

100' Plat / 99.99' C.&M.

T A R P □ N

A V E N U E ARMY

CORPS OF ENGINEERS

~~JUN 29 2009~~

# STORMWATER MANAGEMENT NOTES FOR PROPOSED DEVELOPMENT

444 CUFT. RETENTION AREA REQUIRED

AS PER MONROE COUNTY LAND DEVELOPMENT REGULATIONS

456 CUFT. RETENTION AREA PROVIDED

MIAMI REGULATORY OFFICE

COE #: 2009-00598

PROJECT MANAGER: GGM

SHEET NO.

**TITLE**

# SITE DEVELOPMENT PLAN

PROJECT

QUIROS-CABEZAS  
RESIDENCE

ENGINEERING BY:

Keys Engineering Services

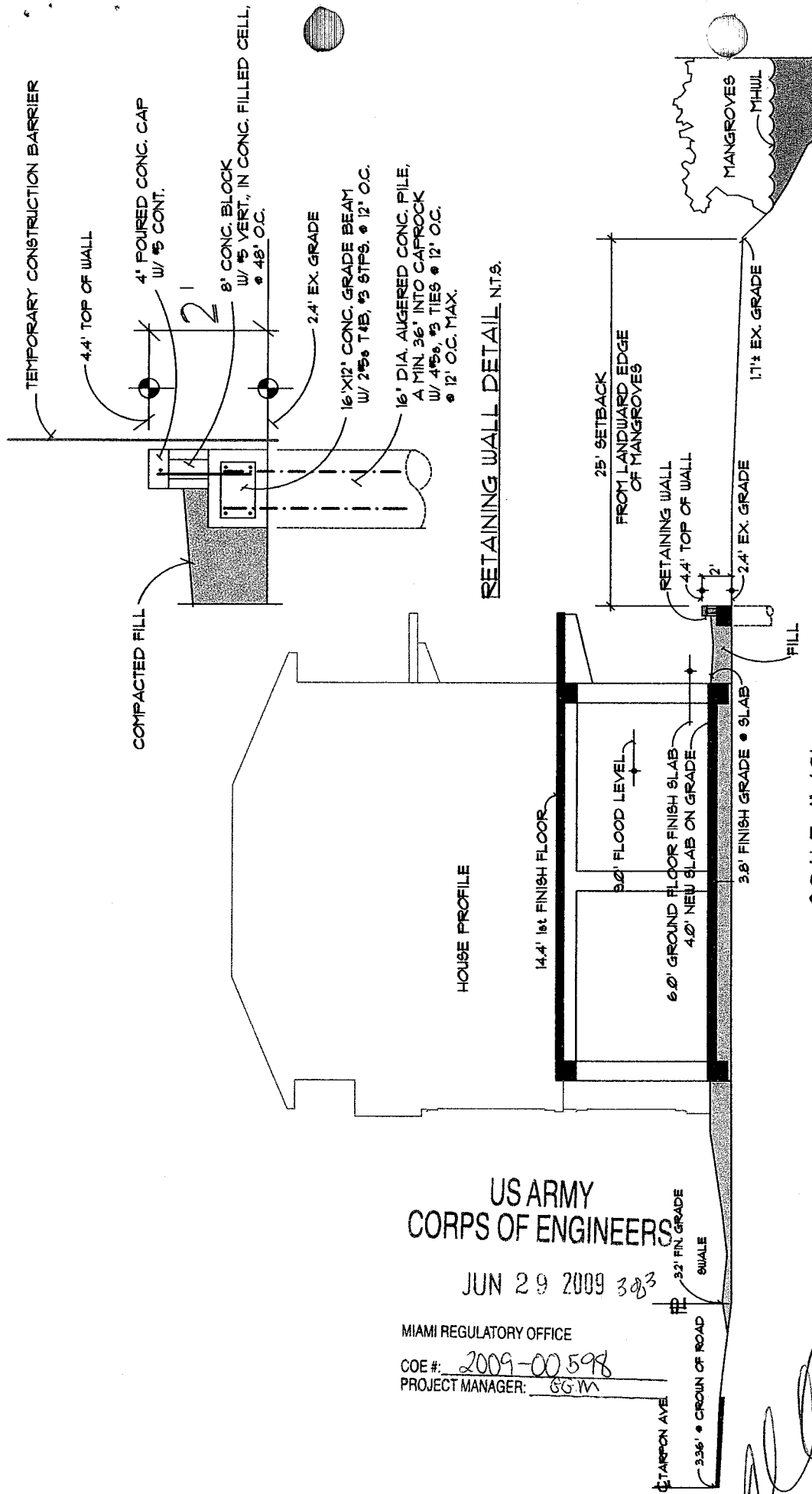
Darryle L. Osborn, P.E. No. 27428

86801 Overseas Highway, Islamorada FL 33070

(305) 852-0262

SCALE: 1"=20'





SHEET NO.	ENGINEERING BY:	
	Keys Engineering Services Daryle L. Osborn, P.E. No. 27428 86801 Overseas Highway, Islamorada FL 33070 (305) 852-0262	
TITLE		
SITE SECTION		
PROJECT		
QUIROS-CABEZAS RESIDENCE		
4 of 4		